IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

NOTICE OF MOTION NO.3836 OF 2006
IN
ARBITRATION NO.271 OF 2006

Madhya Pradesh Road Transport Corpn. Petitioners
vs.
Tata Engineering & Locomotives Co.Ltd. Respondents

Ms.Swati Sawant for the petitioners.

Mr.Chirag Balsara with Mr.Avinash Joshi & Mr.Vipul Bilue i/b.M/s.Mulla & Mulla for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 27th April, 2007

P.C.

The present notice of motion has been taken out by the petitioners for restoration of the Arbitration Petition under Section 34 of the Arbitration &Conciliation Act, 1996 (for short, "Arbitration Act") which was dismissed for non-compliance in view of order dated 12.6.2006 passed by this Court as they failed to remove office objection within four weeks as directed.

2. There is a delay of 104 days in filing the present notice of motion. Considering the averments made, I am of the view that a case has been made out by the petitioner for restoration. There is no affidavit in reply to this notice of motion. I am allowing this notice of motion by keeping all points open including

the plea of limitation as contended by the learned counsel for the respondents.

3. In view of this, the notice of motion is allowed in terms of prayers (a) and (b), subject to payment of costs fixed at Rs.2,000/- to be paid within two weeks from today to Maharashtra State Legal Services Authority.

4. The office objections should be removed within six weeks as a last chance failing which the notice of e motion shall stand dismissed automatically.

[ANOOP V. MOHTA,J.]